

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JEANIE BISCONTE,

Plaintiff,

v.

Case No. 1:21-cv-00462-KWR-KK

SANDIA NATIONAL LABORATORIES *et al.*,

Defendants.

ORDER GRANTING IN PART MOTION TO STAY

THIS MATTER comes before the Court upon Plaintiff's Motions to Stay (**Docs. 7, 10**).

Judge Khalsa entered an order granting in part the motions to stay and staying discovery. **Doc. 28.**

This order does not address Judge Khalsa's stay of discovery. Judge Khalsa noted "the Court reserves ruling on the remainder of Plaintiff's Motion, which seeks a stay not only of discovery, but also of all other proceedings, including the Motion to Dismiss, pending resolution of the Motion to Remand. (*See generally* Doc. 10.) In this regard, the Court notes that the order in which the parties' pending dispositive motions are decided is reserved to the presiding judge." **Doc. 28 at 3.** This order addresses this reserved part of the motion to stay.

Plaintiff requests that the Court stay ruling on the motion to dismiss until it determines that it has jurisdiction, as "a ruling on this motion could dismiss Plaintiff's pending claims and it could later be decided that the Court lacked jurisdiction to decide these issues." **Doc. 18 at 4.** To the extent Plaintiff requests that the Court stay briefing on the motion to dismiss, that request is now moot as the motion to dismiss is fully briefed.

The Court is aware that it must first determine whether it has subject matter jurisdiction before ruling on other dispositive matters. The Court will address subject matter jurisdiction before addressing any other dispositive matters.

IT IS THEREFORE ORDERED that the motions to stay (**Docs. 7, 10**) are hereby **GRANTED IN PART**.

IT IS SO ORDERED.


KEA W. RIGGS
UNITED STATES DISTRICT JUDGE